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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,411

09/16/2004

Alice C. Phillips

5410

7590

05/31/2006

Alice C. Phillips
347 Lawton Hall Drive
Murrells Inlet, SC 29576

EXAMINER

NORDMEYER, PATRICIA L

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/711,411	Applicant(s) PHILLIPS ET AL.	
	Examiner Patricia L. Nordmeyer	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date. ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings were received on September 16, 2004. These drawings are accepted by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 4, 6, 7, 9 – 11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Cleef (USPN 2,248,317).

Van Cleef discloses a note-taking device, a sticker packet used for price tags (Page 1, Column 2, lines 16 – 18), comprising a writing sheet, or a pad of writing sheets, (Page 1, Column 2, line 3) having generally flat front and rear surface (Figure 2), and upper and lower edges (Figure 1), said front surface is adapted for the creation of notes (Page 1, Column 2, lines 16 – 18); a layer of releasable pressure sensitive adhesive over a portion of said rear surface proximate said upper edge thereof (Figure 1, #10 - the layers attached at the upper edge by the adhesive and along the length of each sheet due to the whole back surface being coated with adhesive), said layer being adapted for repositionable attachment to said page of textural material (Page 2, Column 1, lines 1 – 4); and a locator tab having a front tab surface and a rear

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tab surface (Figure 1, #13), said locator tab is integrally attached to the upper edge of said writing sheet (Figure 1), wherein the rear and front tab surfaces of said locator tab being void of pressure sensitive adhesive thereon (Figure 1, #15 – due to the attachment of the holland paper), whereby said locator tab is adapted to protrude beyond the outer edge of said page when repositionably attached thereto (Figure 1 – the sheet may be attached to any surface Page 1, Column 2, lines 5 – 7) as in claims 1 and 9. With regard to claim 2, the note-taking devices are repositionably attached together along the upper edge thereof via said layer of releasable pressure sensitive adhesive in order to for a pad (Figures 1 and 2 – the layers attached at the upper edge by the adhesive and along the length of each sheet due to the whole back surface being coated with adhesive), wherein the rear surface of each said note-taking device lies adjacent the front surface of another said note-taking device there below (Figures 1 and 2). As in claims 3, 4, 6, 7, 10, 11, 13 and 14, the writing sheet is an integrally formed piece of material (Figures 1 and 2) chosen from paper (Page 1, Column 2, lines 23 – 24) that is generally rectangular in shape (Page 1, Column 2, lines 24) with a locator tab having a generally frusto-circular shape (Figures 1 and 2, #13).

4. Claims 1 – 3, 5 – 7, 9, 10 and 12 – 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Mertens (USPN 5,366,776).

Mertens discloses a note-taking device comprising a writing sheet (Figure 1, #11), or a pad of writing sheets (Figure 1, #10), having generally flat front and rear surface (Figure 1, #12 and 13), and upper and lower edges (Figure 1), said front surface is adapted for the creation of

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notes (Column 4, lines 10 – 11); a layer of releasable pressure sensitive adhesive over a portion of said rear surface proximate said upper edge thereof (Column 2, lines 15 – 20; the layers attached at the upper edge by the adhesive and along the length of each sheet due to the whole back surface being coated with adhesive), said layer being adapted for repositionable attachment to said page of textural material (Column 1, lines 5 – 11); and a locator tab having a front tab surface and a rear tab surface (Figure 1, #18), said locator tab is integrally attached to the upper edge of said writing sheet (Column 2, lines 61 – 62), wherein the rear and front tab surfaces of said locator tab being void of pressure sensitive adhesive thereon (Column 2, lines 65 – 66), whereby said locator tab is adapted to protrude beyond the outer edge of said page when repositionably attached thereto (Column 4, lines 11 – 14) as in claims 1 and 9. With regard to claim 2, the note-taking devices are repositionably attached together along the upper edge thereof via said layer of releasable pressure sensitive adhesive in order to form a pad (Column 2, lines 15 – 20; the layers attached at the upper edge by the adhesive and along the length of each sheet due to the whole back surface being coated with adhesive), wherein the rear surface of each said note-taking device lies adjacent the front surface of another said note-taking device there below (Figures 1 – 6). As in claims 3, 5, 6, 7, 10, 12, 13 and 14, the writing sheet is an integrally formed piece of material (Column 2, lines 62 – 63) chosen from paper or a flexible polymer (Column 2, lines 35 – 36) that is generally rectangular in shape (Figures 1 – 4) with a locator tab disposed substantially at the central portion of said upper edge (Figure 1, #18).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mertens (USPN ,366,776) in view of Ung et al. (USPGPub 2003/0178837).

Mertens discloses a note-taking device comprising a writing sheet (Figure 1, #11), or a pad of writing sheets (Figure 1, #10), having generally flat front and rear surface (Figure 1, #12 and 13), and upper and lower edges (Figure 1), said front surface is adapted for the creation of notes (Column 4, lines 10 – 11); a layer of releasable pressure sensitive adhesive over a portion of said rear surface proximate said upper edge thereof (Column 2, lines 15 – 20; the layers attached at the upper edge by the adhesive and along the length of each sheet due to the whole back surface being coated with adhesive), said layer being adapted for repositionable attachment to said page of textural material (Column 1, lines 5 – 11); and a locator tab having a front tab surface and a rear tab surface (Figure 1, #18), said locator tab is integrally attached to the upper edge of said writing sheet (Column 2, lines 61 – 62), wherein the rear and front tab surfaces of said locator tab being void of pressure sensitive adhesive thereon (Column 2, lines 65 – 66), whereby said locator tab is adapted to protrude beyond the outer edge of said page when repositionably attached thereto (Column 4, lines 11 – 14). However, Mertens fails to disclose the front surface of said writing sheet having permanent indicia printed thereon.

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Ung et al. teach repositionably adherent note sheets (Page 1, Paragraph 0003) that has permanent indicia printed thereon (Page 2, Paragraph 0051) for the purpose of providing a sheet of material that allows notes to be taken on text in a document and allowing the document to be returned to its previous state (Page 1, Paragraph 0007).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the notes with permanent indicia thereon in Mertens in order to provide a sheet of material that allows notes to be taken on text in a document and allowing the document to be returned to its previous state as taught by Ung et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571) 272-1496. The examiner can normally be reached on Mon.-Thurs. from 7:00-4:30 & alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia L. Nordmeyer
Examiner
Art Unit 1772

pln
pln

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

5/30/06